IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 10356 of 2003

Between:

Karanam Govinda, S/o.Somu Naidu, aged 24years, Occ:Salesman
Jannavaram P.A.C.S., Jannavaram, Chodavaram Mandal,
Visakhapatnam Dist.

..... PETITIONER

AND

1 The Govt.of Andhra Pradesh Cooperation Dept.,
rep.by its Secretary, Secretariat,
Hyderabad.
2 The Commissioner for cooperation and Registrar of Cooperative Societies,
Nampally, Hyderabad
3 The Dist.Coop.Central Bank Ltd.,
rep.by its General Manager, Visakhapatnam.
4 The Dist.Coop.Officer,
Visakhapatnam, Visakhapatnam Dist.
5 The Divisional Coop.Officer,
Visakhapatnam Division, Visakhapatnam Dist.
6 The Jannavaram PA.C.S.Ltd., rep.by its Person-in-charge,
Jannavaram, Chodavaram Mandal,
Visakhapatnam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the impugned proceedings dt.24-5-2003 issued by the 6th respondent is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and contrary to Sec.116-C of the A.P.Cooperative Societies Act, 1964 and pass such other order or orders as it may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.SATYA PRASAD

Counsel for the Respondents 1,2 and 5: GP FOR COOPERATION

Counsel for respondent No.3 : Mr. M.S. Ramchandra Rao

Counsel for the respondent No.6 : Mr. Daddi Radha Krishna

The Court Made the Following :

ORAL ORDER:

The petitioner assails the proceedings of the 6th respondent-Primary Agricultural Co-operative Society, dated 24-05-2003 whereby the petitioner has been issued a notice of one month proposing his termination. In the paragraphs 4 to 6 of the affidavit of the writ petition, the petitioner states though equivocally that his appointment in the 6th respondent's society was after preparation of the staffing pattern and placing it before a general body of the society, but, that such staffing pattern had not been approved by the Registrar of Co-operative Societies as required under Section 116-C of the A.P. Co-operative Societies Act, 1964. The appointment of the petitioner without an approved staffing pattern would not be an appointment in accordance with law. Further, the order of the termination is by the Primary Agricultural Co-operative Society-6th respondent which is neither a State nor an instrumentality of the State within the meaning of the Article 12 of the Constitution of India. No writ petition can lie against any order passed by the 6th respondent. The writ petition is misconceived and is accordingly dismissed and the interim order dated 10-06-2003 stands dissolved.

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GODA RAGHURAM,

J,

Date:22nd June, 2004.

Pvks/**ccm**

To

1. The Secretary, Govt.of Andhra Pradesh, Cooperation Dept.Secretariat,
   Hyderabad.
2 The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampally, Hyderabad
3 The General Manager, Dist.Coop.Central Bank Ltd., Visakhapatnam.
4 The Dist.Coop.Officer, Visakhapatnam, Visakhapatnam Dist.
5 The Divisional Coop.Officer, Visakhapatnam Division, Visakhapatnam Dist.
6 The Person-in-charge, Jannavaram PA.C.S.Ltd., Jannavaram, Chodavaram Mandal, Visakhapatnam Dist.
7. 2CCs to the Government Pleader for Cooperation, High Court of A.P., Hyderabad.(OUT)
8. 2CD copies